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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1305th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 March 1999, at 3 p.m.

Chairman: Mr. ABOUL-NASR

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4)

Eleventh to thirteenth periodic reports of Austria (CERD/C/319/Add.5; HRI/CORE/Add.8)

1. At the invitation of the Chairman, Mr. Kreid, Mr. Dossi, Mr. Szymanski, Mr. Grünewald, Mr. Marschik and Mrs. Riederer (Austria) took places at the Committee table.

2. Mr. DOSSI (Austria), acknowledging that in the past his country had been late in submitting its reports, said that work on the report due in 1999 had begun and, with the new reporting structures that had been put in place, he was optimistic that it would be ready on time.

3. There had been a number of recent developments of interest to the Committee. In a legal decision to which reference had also been made in his country's thirteenth periodic report (CERD/C/319/Add.5), the Austrian Constitutional Court had ruled that any individual could challenge administrative decisions or legislative acts by claiming that they contained racially discriminatory language. The Court had held that the Constitution Act implementing the Convention gave every person the right to question whether Austria was complying with the provisions of the Convention. In another ruling, the Constitutional Court had found that the Constitution Act prohibited the lawmakers from passing different rules for nationals from different countries without substantive justification. The law therefore required that aliens be given equal treatment.

4. The year 1997 had seen the entry into force of the Aliens Act, which sought to give priority to integrating those foreigners already living in Austria rather than to the immigration of others. That should be understood against the background of the growing numbers of foreigners entering Austria and the Austrian labour market, the opening of the eastern borders in 1989 and the difficult socio-economic situation throughout Europe. The Aliens Act also aimed to give top priority to family reunification, to facilitate access to the labour market for foreigners already living in Austria and to speed up relevant administrative procedures.

5. The new Asylum Act passed by the Austrian Parliament had introduced an independent Asylum Tribunal, a body which was certain to bring about a considerable improvement in the asylum procedure. One aspect of the new Asylum Act was the question of grounds for obtaining asylum. That issue had been discussed at great length in Austria, in particular in connection with the notion of "safe third country", i.e. whether or not asylum seekers were already in a position to obtain asylum in another country. Under the new legislation, the Ministry of the Interior pooled information on asylum questions and drew up a list of third countries regarded as safe. That did not, however, do away with individual applications for asylum: every person seeking asylum continued to have the right to an asylum procedure, and even a person who came from a country deemed to be safe could still show that he or she had a valid reason to fear persecution in his or her particular case.

6. It was fair to say that the relevant Austrian legislation implemented the provisions of the Convention in a satisfactory fashion. There was no legal or institutionalized racial or ethnic discrimination in Austria. Needless to say, the real test of the implementation of the Convention was the actual practice of the administration and the courts, as well as everyday relations between people. Aware as it was of that fact, the Austrian Government had made a considerable effort to promote educational measures in schools and universities and to train judges and the police, and had also worked on improving cooperation with non-governmental organizations (NGOs) active in that field.

7. Austria had been involved in many international undertakings, such as the Council of Europe's European Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance, the European Union's European Year against Racism and Xenophobia and the United Nations Human Rights Year. In connection with the latter, every ministry in Austria had been asked to appoint a human rights coordinator, and those persons had been meeting on a regular basis to cooperate on the respective activities of the various ministries. In the framework of the European Union, the Treaty of Amsterdam amending the Treaty on European Union contained a new article 13 on taking appropriate action to combat discrimination based, inter alia, on racial or ethnic origin. As part of the work on implementing the new article, the European Commission was considering a proposal for a special directive, i.e. implementing legislation for article 13, which would address not only the labour market but also such important issues as access to goods and services, culture, sports and the like.

8. Mr. NOBEL (Country Rapporteur) said that the Committee was reopening a dialogue with Austria that had been broken off since 1992. At that time, the Committee had observed that the report then submitted had been very brief and that a number of questions raised previously had continued to go unanswered. He drew attention to the concluding observations on Austria in the report of the Committee to the General Assembly (A/47/18, paras. 197-199).

9. Austria's thirteenth periodic report was legalistic in tone and emphasized legislation and administrative measures in force. It was to be hoped that the next report would provide more information about actual court cases and the everyday situation in the country.

10. Referring first to paragraphs 3 and 4 of the report, which cited two judgements of the Constitutional Court prohibiting lawmakers and administrative authorities from passing different rules for nationals from different countries without "substantive justification", he wondered whether the Constitutional Court could not make use of that concept as a way of manipulating the Constitution.

11. He noted that European Union policy in general called for freedom of movement for everyone from within the European Union, but closed gates for everyone else: Africans, Asians, Latin Americans, etc. That was a vision of "we" versus "them". "We" were the desirable ones, and "they" were unwelcome. The problem was how to prevent immigration policy, which had to be restrictive

in some sense, from containing a racist or xenophobic slant or fostering such attitudes. That question must be faced by all member States of the European Union.

12. The previous summer, during its presidency of the European Union, Austria had submitted far-reaching proposals not only for making asylum practices more stringent but also for placing limitations on the very principle of the 1951 Convention relating to the Status of Refugees. According to the press, such proposals were not unrelated to the presence of certain xenophobic forces in Austria's domestic political arena, such as the Freiheitliche Partei Österreichs.

13. Paragraph 14 of the report referred to six ethnic groups. Should not the Austrians also be counted as an ethnic group? The report focused chiefly on those six "traditional" ethnic groups but had very little to say about new ones. One of the organizations he had consulted, Hilfende Hände Österreichs (Helping Hands of Austria), had alleged that even long-standing ethnic groups were discriminated against in such areas as schooling, use of language, place names and signposting.

14. The World Directory of Minorities published by the Minority Rights Group (MRG) drew attention to family reunification difficulties encountered by Gastarbeiter (migrant workers), particularly from Turkey and Poland, in Austria. The children of such workers were apparently subject to the same entry requirements as first-time applicants for residence permits. Many of the estimated 20,000 Roma migrant workers were said to have been victimized by the requirement to produce documentary evidence of family bonds, with officials frequently assuming that their marriages were fictitious. He welcomed the assurance given in the introductory statement that family reunification would be given top priority under the new Aliens Act.

15. There had been reports in the media and by NGOs of criminal attacks on minorities and abusive treatment by the police of Chinese and other Asians, blacks and Roma. Although there was no evidence of a consistent pattern of abuse, such incidents were sufficiently common to constitute grounds for serious concern. Furthermore, the language allegedly used by some politicians, police officers and even judges was conducive to xenophobia.

16. He doubted whether some of the legal provisions cited in the report were precise and effective enough to meet the requirements of articles 4, 5 and 6 of the Convention. For example, the phrase "in a manner apt to jeopardize the public order" in the passage from section 283 of the Penal Code quoted in paragraph 11 could undermine the effectiveness of the legislation by placing a heavy burden of proof on persons invoking the provisions of section 283. He had similar doubts about the phrase "apt to make [neo-Nazi propaganda] accessible in public to a large number of persons" quoted from the Constitutional Act Prohibiting the National Socialist German Workers' Party (NSDAP) in paragraph 13.

17. He welcomed the statement in paragraph 18 of the report that the question of an individual's affiliation with a minority was determined solely on the basis of commitment.

18. Referring to paragraph 34, he expressed misgivings about the wording of the provision designed to safeguard article 5 (f) of the Convention, particularly the phrase "anyone who publicly puts persons at a disadvantage", which seemed unduly vague and restrictive. The same applied to the phrases "suffered a true damage" and "which jeopardizes another person's credit, earnings or progress" in paragraph 37 concerning compensation.

19. He suggested that the Austrian authorities should consider enacting a global anti-discrimination law, applicable to both the public and private sectors and covering the labour market, housing, lending, education and other areas, without awaiting further developments under the Treaty of Amsterdam. Despite the assurances given in paragraphs 38 to 47 of the report, he felt that an extra effort was needed to promote awareness of the rights protected by the Convention among the general public, judges and police officers.

20. He regretted that the report contained no information regarding compliance with articles 8 and 14 of the Convention.

21. Mr. van BOVEN said that the report had focused on legal developments and contained too little factual information. He trusted that the new reporting structures mentioned by the delegation would ensure that future reports were submitted promptly and were more comprehensive.

22. He was concerned that little or no action had been taken on some of the issues raised in the Committee's concluding observations on Austria's tenth periodic report, for example private-sector discrimination in employment and housing. The Mediation Service had apparently been abolished despite the thousands of complaints that had been filed. It was unclear to him why a country such as Austria had failed to make the declaration under article 14 of the Convention and to ratify the amendments to article 8. He hoped that the present dialogue would encourage the authorities to give higher priority to the Convention in the future.

23. While developments in the European Union relating to refugee and asylum policies and racial discrimination, particularly new Article 13 of the Treaty of Amsterdam, were of considerable relevance to the Committee's work, States parties remained individually accountable for their compliance with the Convention. It was regrettable, moreover, that the draft directive concerning new Article 13 contained no reference whatsoever to the Convention.

24. He drew attention to the Committee's General Recommendation XIX on article 3 of the Convention, which dealt not only with apartheid but with all forms of racial segregation.

25. The report provided little information on article 5. Referring to subparagraph (b) of the article, he cited an NGO report to the effect that four Roma had been killed and numerous minority activists injured in a bomb attack in the mid-1990s. What action had been taken to punish the culprits?

26. Paragraph 34 of the report mentioned new legislation to safeguard the right guaranteed under article 5 (f) of the Convention. Had the courts been seized of any relevant cases?

27. How widely were the Convention and the periodic reports disseminated in Austria? Referring to NGO allegations of abusive police behaviour towards foreigners and coloured Austrians, particularly in the form of humiliating and intimidating identification procedures, he stressed the need for training of law enforcement officers in the spirit of the Convention. In that connection, he drew attention to the Committee's General Recommendation XIII.

28. He welcomed the establishment of a National Fund for Victims of National Socialism and asked whether Roma victims would be eligible for compensation.

29. The CHAIRMAN pointed out that non-European members of the Committee might not be familiar with European legislation such as the Treaty of Amsterdam. Where there was a conflict between any such treaty and the Convention, the provisions of the Convention would presumably prevail.

30. Mr. VALENCIA RODRÍGUEZ observed that the Ethnic Group Act of 1976, which regulated the legal status of six ethnic groups defined in terms of their language, should focus on ensuring that the members of those groups were not placed at a disadvantage vis-à-vis the general population.

31. Referring to the grounds cited in paragraphs 3 and 4 of the report for authorizing differential treatment of aliens, he inquired about the meaning of the term "substantive justification". Was it based on objective criteria or was its interpretation left to the discretion of the authorities? Could the delegation provide concrete examples of its application and demonstrate their consistency with the requirement, according to the 1995 Constitutional Court judgement, for equal treatment of aliens under the Constitution Act?

32. According to paragraph 7 of the report, priority was given to the integration of aliens already in the country over the acceptance of new arrivals. He asked for assurances that there was no discrimination among new arrivals in terms of national origin.

33. With regard to article 2 of the Convention, he stressed the importance of Austria's obligations under the 1919 Treaty of St. Germain, particularly articles 63 and 66 concerning equality before the law and discrimination on grounds of race or national origin.

34. While welcoming the information in paragraphs 16 to 25 of the report concerning measures to protect the Slovenian, Croatian and Hungarian minorities, he regretted that no mention had been made of other minorities such as the Czechs, the Slovaks and the Roma.

35. He commended section 283 of the Penal Code and the Constitutional Act Prohibiting the National Socialist German Workers' Party and asked for further details about the law pertaining to societies and associations (para. 32).

36. He would appreciate additional information concerning the individual rights set forth in article 5 of the Convention and relevant domestic legislation. He also wished to know the exact wording of the criminal provision designed to safeguard the right guaranteed by article 5 (f).

37. Section 1330 of the Civil Code provided for compensation for victims of defamation but the victim had to institute criminal proceedings before filing a claim for compensation. In his view, article 6 of the Convention should be given a broader interpretation: the authority hearing and judging a case concerning an act of discrimination should also be empowered to grant appropriate compensation or damages to the victim.

38. He welcomed the action taken by the Austrian Government to incorporate human rights issues in educational curricula, the campaign against anti-Semitism and the establishment of a National Fund for Victims of National Socialism. Had similar action been taken against other manifestations of discrimination? He would appreciate additional information on the role of the media in disseminating the principles enshrined in the Convention and in publicizing progress in implementing its provisions. In general, the widest possible publicity should be given to the Convention, Austria's reports and the Committee's concluding observations.

39. Mr. GARVALOV pointed out that Chapter VIII of the Charter of the United Nations assigned a higher status to global arrangements than to regional arrangements. The Convention therefore took precedence over regional treaties.

40. Although Austria's report was informative and had been supplemented by the information provided in the introductory statement, there were a number of omissions.

41. Referring to paragraph 3 of the report, he said that, since Austria had become a party to the Schengen Agreement, nationals from countries not belonging to the European Economic Area (EEA) had been at a disadvantage in obtaining entry visas for Austria. What might the "substantive justification" be for what appeared to be across-the-board discrimination against persons who were obviously ethnically different from Austrian nationals?

42. With reference to paragraph 4, he wondered how Austria interpreted the term "alien". Was the term reserved for nationals of non-EEA countries? The Constitutional Court had found, in its 1995 judgement, that all aliens must be given equal treatment, and decisions refusing an alien equal treatment were admissible only "if and when there is a reasonable justification ...". If the Austrian authorities knew in advance of a "reasonable justification", why discriminate against all nationals of a given country?

43. Commending the policy of promoting the integration of "aliens" into Austrian society and providing them with equal opportunities with Austrian citizens, he hoped that the policy - which might be described as "positive assimilation" - included measures to develop, among other things, their culture and languages.

44. He noted with interest a finding by the Council of Europe's European Commission against Racism and Intolerance that Austria's special Constitution Act implementing the Convention "could be characterized as a short summary of the Convention's provisions adjusted to the Austrian legal system".

45. Noting from the report (para. 14) that there were six ethnic groups in Austria and that the definition of an "ethnic group" and the legal status of those groups were established by the Ethnic Group Act, he wondered whether Austria had acceded to the Council of Europe's Framework Convention for the Protection of National Minorities and, if so, how the term "national minority" compared with the term "ethnic group".

46. According to MRG's 1997 World Directory of Minorities, the main minorities in Austria included former Yugoslavs, other Central and Eastern Europeans and Turks, all of which were numerically larger than the six listed in Austria's report. There were also the same number of Jews as Czechs in Austria. Why were those groups not recognized as "ethnic"? MRG's explanation was that they were not Austrian citizens; according to MRG, that was also the case for the Roma, recent Croatian immigrants and Hungarians, but not Jews. Why was that?

47. Referring to paragraph 2 (b) of the report, could laws, orders or administrative decisions be challenged on the grounds that they contained racially discriminatory acts as well as language.

48. Lastly, with regard to the statement in paragraph 14 that everyone was free to declare their affiliation with an ethnic group, he observed that, according to the Council of Europe's Framework Convention for the Protection of National Minorities, those wishing to declare such an affiliation could only do so subject to certain criteria - they were not actually "free" to do as they wished.

49. Mr. BANTON said with reference to paragraph 1 of the report that few discriminatory actions were based solely on race, colour or national or ethnic origin; there was usually a combination of reasons, and he hoped Austria could consider substituting a word such as "primarily" for "solely" in its legislation.

50. According to a recent report prepared by the Swiss Institute of Comparative Law for the European Commission against Racism and Intolerance, only two Austrian Länder listed fundamental rights in their Constitutions and only one explicitly mentioned equality. He wondered whether the apparent absence of specific anti-racism legislation at the level of the Länder might not affect the implementation of the Convention. Was the same report correct in stating that Austria's Constitution Act implementing the Convention prohibited discrimination only between foreigners and did not protect foreigners from discrimination by Austrian citizens?

51. A European Parliament inquiry into the rise of Fascism and racism had called on the European Union to find some way of associating itself with the Convention. In the light of new Article 13 of the Treaty of Amsterdam, he endorsed Mr. van Boven's comments about the incomprehensible neglect of the Convention in so many discussions of new legislation. All the protections provided by the Convention should be incorporated into European law, for example with regard to the issue addressed by the Committee's General recommendation XIX concerning ethnic segregation, which was on the rise in neighbourhoods and schools.

52. Insufficient information was provided in the section of Austria's report dealing with article 5 of the Convention. A number of instances of misbehaviour by the Austrian police had been reported. The problem of the abuse of police powers was common to all countries and it was a question of finding institutional mechanisms to counter balance it and preventing its spread. There was no simple solution. Information on the number of complaints concerning the abuse of police powers was not an adequate gauge of implementation since many members of minority groups were too frightened of the police to bring such complaints. Even training of police officers was not enough, as could be seen from experience in London, where the Metropolitan Police, despite 30 years of training, had been unable to prevent race riots or conduct a proper investigation of the recent case of the murder of a black adolescent. Reports should show that States recognized the dangers of such injustices and were making efforts to combat them.

53. Works councils might have an important function in preventing discrimination in the workplace, as was the case in Germany. According to a recent European Union publication on the subject, Austria was the only country in the European Union, the European Economic Area or the European Free Trade Area in which an employee could be denied the right to be elected to a works council on grounds of nationality, and that only a small minority of foreign workers believed that a works council made up entirely of Austrian nationals would stand up for their interests. Was such a restriction compatible with article 5 (e) (i) of the Convention? Were remedies available under labour law or through a civil suit to those who believed they had been unfairly dismissed from employment, and if so, were they also available to those who believed they had been dismissed on racial grounds? If not, could article 6 be said to be implemented apart from action by a court or administrative authority?

54. His response to the Austrian delegation's assertion that the Austrian legal order by and large implemented the provisions of the Convention in a satisfactory manner was that it was very difficult to find evidence that effective protection of, for example, article 5 rights was ensured in Austria.

55. Mr. de GOUTTES, recalling the Committee's concluding observations on Austria's tenth periodic report, said that the current report likewise contained too little for a country of Austria's importance and he hoped for extensive oral replies to the Committee's questions.

56. He was surprised that paragraph 14 of the report provided no information on the situation of the Roma in Austria, since they were the victims of discrimination and violence in many countries of Europe. He requested additional information on the subject. He would also like more general information on racist and anti-immigrant groups and on any proceedings that might have been brought against them.

57. Like the tenth report, the thirteenth report did not specify clearly whether Austrian federal or Länder legislation complied with article 4 of the Convention. The provisions of section 283 of the Penal Code punishing propaganda or incitement to racial violence appeared to be subject to two restrictive conditions: first, the propaganda must target a specific group and second, it must be likely to jeopardize the public order. He wondered how

that was interpreted by the judicial authorities. What happened when it was not a group but an individual, or a number of individuals who were not members of groups, who were targeted? What was meant by "apt to jeopardize the public order" - did courts regard some incitements as minor and unlikely to jeopardize the public order?

58. Referring to article 5, he asked for supplementary statistics on prosecutions for acts of racism. He did not agree entirely with Mr. Banton's comments concerning complaints against the police. The number of complaints brought was a test of the general public's knowledge of the Convention and its confidence in the police. The number of prosecutions was a test of police diligence and of the justice system's approach to racist acts. The number of convictions was a test of the importance courts attached to the crime, and lastly, damages awarded were a test of the right to recourse.

59. He asked whether Austria intended to make the declaration under article 14, allowing individual communications to the Committee. What steps were being taken to promote human rights education, particularly among law enforcement and prison officers and members of the judiciary, and to disseminate knowledge of the Convention and the Committee among the general public?

60. Mr. DIACONU said there was clearly no institutional discrimination of a legislative or administrative nature in Austria. That, however, was not enough, since each State party had to take steps to ensure the effective implementation of the Convention and to protect all individuals against acts of racial discrimination. The Ethnic Group Advisory Councils were of great importance, provided they functioned well and their opinions were heard. He commended the efforts being made to ensure the equality of foreigners' and Austrians' economic rights.

61. Although the Constitution Act of 1973 prohibited racial discrimination in laws and administrative measures, it was a prohibition applying only to official and State actions, whereas the Convention prohibited racial discrimination of any kind. In a federal State, the Länder should also have such legislation. The Constitution Act referred to "distinctions", whereas the Convention referred also to exclusions, restrictions and preferences. Did the word "distinction" in the Act cover all those aspects of racial discrimination?

62. He wondered whether all minority groups were given the same treatment. For example, Slovenes and Croats were able to invoke the Vienna State Treaty of 1955. No other minority seemed to be named in Austrian law. In addition, Slovenes in Styria seemed not to have the same rights as those in Carinthia, despite the provision of the 1955 Treaty granting "the same rights". He asked the delegation to clarify those points.

63. According to NGO reports, the 1984 referendum organized by the Carinthian Homeland Service had proposed a law to segregate education into German- and Slovene-speaking schools, according to the proportion of pupils. Such a law formed the basis for segregation, which must be prevented according to article 3.

64. Article 4 required States to declare incitement to racial discrimination a punishable offence, without exemption or qualification, the point being that such activities constituted a danger to society per se, even when not linked to public order or other moral issues. It appeared from the provisions of Austrian law that organizations engaged in racist activities could be dissolved only once they had committed acts contrary to the Penal Code. Such an approach made no allowance for prevention, which would help deter groups and individuals from such activities. A review of the relevant legislation was needed to improve its coverage and application. Noting that paragraph 30 of the report stated that all propaganda in the sense of racial discrimination was a punishable offence, he asked whether Austria's reservation on article 4 might be a basis for not adopting more comprehensive laws to ensure full implementation of article 4.

65. With regard to the bomb attacks in the mid-1990s against members of the Roma and other minorities, which had led to four deaths, had the perpetrators been prosecuted, had they been punished and, if so, how? While conceding that there had been more attacks and more deaths in other countries, he observed that much was expected of a European country in terms of combating racial discrimination, with the Convention as the starting point and framework for dialogue with the Committee.

66. Mr. RECHETOV said he was gratified to see a very representative delegation from Austria, but the report was short on facts. With reference to paragraph 13 of the report, for instance, did the National Socialist German Workers' Party (NSDAP) still exist, was it actually growing or was it just a historical vestige? Was he right in understanding that if the NSDAP itself and any activity on its behalf were prohibited, then there was a presumption that any other organizations engaging in incitement to racial discrimination could also be banned, but if their individual members engaged in such activities they bore individual responsibility before the law? Were the principles of collective responsibility and collective preventive action thus only applied to the Nazi Party?

67. The Roma - a group often suffering discrimination - were commendably included in the list of ethnic groups, a distinction not recognized in other countries. However, there was no mention in the list of the new ethnic groups or minorities, nor of the Jews. Were the Jews considered an ethnic group or minority? Did they have the same status as other minorities? Obviously the Committee was in favour of the fight against anti-Semitism, but in paragraph 40, "special emphasis" was placed on the fight against anti-Semitism and only in paragraph 43 were the other victims of National Socialism, including those in concentration camps, mentioned. He had doubts about whether giving one group preference by affording it special protection was in conformity with the definition of racial discrimination in article 1 of the Convention. By way of explanation of the dangers he cited the recent agreements on compensation for forced labour in Hitler's Germany, under which a United States citizen would receive 10 times more than a Russian, with a Ukrainian receiving less still; he hesitated to ask how much an African would have received had any been involved.

68. The CHAIRMAN, speaking in a personal capacity, said that, in his opinion, being a Jew was a religious affiliation not a racial one, although he was aware that not all members of the Committee shared that view. It should be remembered that the mandate of the Committee was racial discrimination.

69. The European Union had a definition of "aliens", but after considering many reports from European countries he had concluded that some aliens were considered more alien than others in some countries, and there were differences in the treatment meted out by various countries and regions and the distinctions they drew between aliens from different backgrounds.

The meeting was suspended at 5.25 p.m. and resumed at 5.35 p.m.

70. Mr. SZYMANSKI (Austria), replying to questions relating to the competence of the Ministry of the Interior, said that Austria's new Aliens Act, in force since 1 January 1998, which gave priority to integrating aliens already in Austria over encouraging new immigrants, did not apply to refugees coming to Austria to flee persecution or seek asylum but only those who came freely, usually to work. The number of foreigners living in Austria had doubled over the previous 10 years, from 350,000 to 700,000, giving Austria the highest proportion of aliens of any European Union country after Luxembourg. That and the declining economic strength of Austria had led to the general political feeling that the need for immigrant workers was now less than even in the early 1990s. There was only room for new foreign workers in the Austrian economy to the extent that other foreigners left the country. A striking example was the case of the Bosnian refugees who had fled the inter-ethnic conflicts in 1993 and 1994. Approximately 90,000 Bosnians had entered Austria, of whom some 60,000 had received work permits, while around the same number of foreigners had left Austria during that period, having lost their jobs. Under the law on migrant workers, migrants could only be allowed to enter for work if there was work for them.

71. With regard to the integration of resident aliens, family reunification was the priority, since many of the 400,000 foreigners who had entered the country in the 1990s had not been joined by their families or their families had not been granted work permits. The new law enabled them to work legally.

72. In order to acquire legal residence, aliens must declare themselves in their home country and give proof of employment and accommodation in Austria. They must, moreover, have a place within the Government's annual quota of immigrants, determined by Länder. If all those conditions were fulfilled, they could bring their families in within two years of declaring themselves.

73. In reply to Mr. Garvalov's comments on positive assimilation and respect for immigrant cultures, he stated that Austria allowed free practice of culture and required only that Austrian laws be observed, the only valid reason for deportation being non-compliance with Austrian laws.

74. With regard to the Austrian asylum proposals during its presidency of the European Union, their purpose had been to determine a common immigration policy and they had included many points which most States had considered a useful basis for discussion. Only one point, regarding the Geneva Convention, had been open to misinterpretation and had been promptly changed. More

attention should be given to the proposals generally accepted by the member States of the European Union than to a slight doubt in an initial and superseded text.

75. On the subject of police training, he pointed out that a new law on the police adopted in the early 1990s required the Ministry of the Interior to make a ruling on police conduct and particularly to encourage the police to give no cause for suspicion of discrimination on the grounds of race, colour, ethnic or national origin, or religious or political affiliation. The Ministry had issued such instructions in early 1993. The law provided for any misconduct by a police officer to be brought before the Austrian independent Administrative Court.

76. There were two ongoing projects regarding police training and conduct. One of them, within the framework of Human Rights Year 1998, involved "human rights week" workshops attended by police "multipliers", who then returned to their units to discuss the issues in similar workshops with their colleagues. In addition, within the framework of the new police law, there was a proposal to set up a human rights commission, made up not of members appointed by the Ministry of the Interior but of representatives of various organizations, including NGOs. The commission would report to the Ministry of the Interior on respect for human rights by the police and would have free access to information and interviews in any police service. The commission was expected to be in operation by mid-1999.

The meeting rose at 6 p.m.